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Nicolaus ex Mirabilibus on Conscience

We have three works by Nicolaus ex Mirabilibus, Dominican friar of a presumable Italian origin, born in Kolozsvár (Cluj-Napoca), which survived to our day. The earliest was written in Florence, in early 1489. The basis for it was a preach by Nicolaus held in a Dominican female cloister named after martyr Saint Peter, about conscience. This preach was reworked and completed by the author; hence his first work known to us was born. His second work, a tractate already written in Latin, recorded a disputation in Florence, primarily on the cause of evil, held in the cathedral of Sancta Reparata and in Lorenzo de' Medici's house, also in 1489. His third work – already written in the court of Vladislaus II of Hungary in 1493, also in Latin – was on predestination.¹

In my paper, I am going to deal with the earliest work by Nicolaus, on conscience, written in early 1489. The tractate was published by Jenő Ábel in 1886, under the title *Libello de consciencia*.² It is known that both the Dominican school representing the intellectualist view and the Franciscan school representing the voluntarist view were present in Florence at the end of the 15th century. The names of the views originate from that for intellectualists it was reason (*intellectus*) that served as the main criterion of the freedom of choice, while for voluntarists it was will (*voluntas*). Nicolaus was a prominent representative of Dominicans, while Georgius Benignus de Salviatis of South Slavic origin was a memorable Franciscan. Elsewhere I lined up arguments for that in his work about the cause of evil and in his work entitled *Disputatio* Nicolaus aims at following the teachings of Thomas Aquinas, and takes an intellectualist standpoint, while his main opponent, Georgius follows John Duns Scotus,

¹ ÁBEL, J.: Nicolaus de Mirabilibus élete és munkái. [Life and Works of Nicolaus de Mirabilibus.] In FRANKÓI, V. – ÁBEL, J. (eds.): *Két magyarországi egyházi író a XV. századból. Andreas Pannonius – Nicolaus de Mirabilibus. Irodalomtörténeti Emlékek. I.* [Two Ecclesiastical Authors in Hungary from the Fifteenth Century. Andreas Pannonius – Nicolaus de Mirabilibus. Literary History Reminiscences. I.] Budapest 1886, XXIII–XLVIII. XXV; XXVII; XXX–XXXII; XLIII.

² ÁBEL (n. 1) 287–350.

and takes a voluntarist view.³ A legitimate question is whether it is also true of Nicolaus' work about conscience that its author is a follower of Thomas Aquinas, and an intellectualist.

First, let me outline, for the sake of intelligibility, the contents of the work. Nicolaus' definition of conscience follows Origen and Thomas Aquinas. Conscience is the educator and supervisor of our soul, which starts out of a natural judgement of our souls, and urges us to be devoted to good and keep aloof from evil. Three factors play roles in the decision of conscience: first, the so-called *synderesis*,⁴ second: *ratio superior* or *inferior*, and third: *conscientia*, that is conscience itself.⁵ (Attention should be paid to the inconsistency of the term; that is, the word *conscientia* denotes conscience itself, the third element of the enumeration above, and also in general, the unity of the three factors!)

Following Augustine and Thomas Aquinas, Nicolaus defines *synderesis* as an inclination innate in our souls, that drives us in all cases to seek good and to avoid evil.⁶

This is followed by the description of the two *ratios*. *Ratio superior* (*ragione superiore*) means the wisdom directed at unearthly matters. In Nicolaus' opinion, besides Christians, Jews are the ones who own this ability, as they are also owners of a part of the divine revelation. Besides them, pagan philosophers, poets and orators⁷ could also own *ratio superior*, inasmuch they were, during their observations, able to find the true God.

As opposed to *ratio superior*, *ratio inferior* (*ragione inferiore*) means the proficiency in earthly matters and sciences. This is indeed inferior to *ratio superior*, as the most one that can be reached by the observation of natural phenomena and by contemplating upon them is the idea of the one God.⁸

It is no surprise, therefore, that *ratio inferior*, according to Nicolaus, is fallible, as it is only proficient in earthly prudence. However, *ratio superior* is

³ *Nicolaus ex Mirabilibus a rosszról*. [Nicolaus ex Mirabilibus on Evil.] Lecture given at Pázmány Péter Catholic University, Budapest, 14 January 2014.

⁴ For the possible etymology of the word "synderesis" (συνείδησις or συντήρησις) see: POTTS, T. C.: *Conscience in Medieval Philosophy*. Cambridge 1980, 10.

⁵ ÁBEL (n. 1) 293.

⁶ ÁBEL (n. 1) 294.

⁷ Mentioned by name: Hermes Trismegistus, Plato, Aristotle, Alexander of Aphrodisias, Simplicius, Avicenna, Avempace, Averroes, Terence, Virgil, Ovid, Horace, and Cicero. ÁBEL (n. 1) 300.

⁸ ÁBEL (n. 1) 294–300.

also fallible. Sensuality, as something created by God, entails great pleasure out of God's will, and this can mislead ratio superior, which, being misled by sensuality, may believe that luxury is good, because it entails great pleasure out of God's will. Or, in another example of Nicolaus, ratio superior is apt to believe that dwelling among sinners is good, as Christ also dwelt among them in order to engage in conversations with them.⁹

Finally, the task of *conscientia*, i.e. conscience in proper sense, is to make decisions above the proposals of synderesis and ratio superior or inferior. According to the etymology related to by Nicolaus, its name is *conscientia* exactly because it is what makes the decision: *concludens scientia*.¹⁰

The question can be raised: what do erroneous judgements and acts result from? Out of the three factors, synderesis is infallible, as what it does is no more than urging us to do good and avoid evil, and to obey God.

Neither is, according to Nicolaus, conscience fallible, as it cannot judge whether a deed is good or evil. Consequently, the expressions "wide", "good" or "bad conscience" do not relate to *conscientia* itself, but to the judgement that arises from the co-operation between synderesis, either of the ratios, and *conscientia*.¹¹

So if neither synderesis nor *conscientia* are fallible, then the sole cause of error can be within either of the ratios, which is fallible owing to either negligence, when it does not take the trouble to learn what it has to know (Nicolaus' example to this is the Jews' belief of Messiah), or owing to the fact that it cannot control its passions as a result of the original sin.¹²

Following that, Nicolaus describes what the acts of conscience in its wider, general sense manifests itself in. First, it testifies all our good and evil deeds done in the past, and hence it can be the cause of our spiritual joy or pain over them. Second, it accuses us in the present when we are about to commit an evil act. Third, it warns and urges us to do or not to do something in the future.¹³

The author states at the end of his tractate that we have to obey the word of conscience at all times, even if it is false (*erronea*) due to our ignorance, negligence, excessive self-love or conceit, and similarly, if it is scrupulous

⁹ ÁBEL (n. 1) 311.

¹⁰ ÁBEL (n. 1) 312–314.

¹¹ ÁBEL (n. 1) 314–315.

¹² ÁBEL (n. 1) 318–320.

¹³ ÁBEL (n. 1) 330–335.

(*scrupulosa*) as being built upon unfounded assumptions. Quite unsurprisingly, if we remember that this tractate is a reworked and completed version of a preach, Nicolaus' answer to the question as to how we can avoid erroneous or scrupulous conscience is: keep to the teachings of the Scriptures, ask for the help of the wisdom of God in our prayers, humble our proud hearts, live a wise life without tormenting ourselves beyond the necessary extent, follow the advice of confessors, preachers and wise persons, and — last but not least — submit ourselves to the mercy of God.¹⁴

I.

After getting acquainted with Nicolaus' thoughts, we seek answer to the question that *to what extent Nicolaus follows Thomas Aquinas' views*.

According to Aquinas, similarly to how theoretical¹⁵ reason must rely on principles that are known through themselves (*per se nota*, like the principle of non-contradiction), so must exist such principles available for the practical reason regarding human deeds.¹⁶ That is, the whole establishment of knowledge must rely upon necessarily true principles, as, if we could be mistaken in these principles, then nothing could be asserted for sure from that on.¹⁷ For the practical reason, these true principles in moral matters are served by synderesis.¹⁸ Unlike Albert the Great, who attributed special content to them ("adultery is forbidden", "killing is forbidden", "compassion must be felt for those suffering"),¹⁹ Thomas Aquinas thinks that the principles of synderesis are the simplest and most general ones: "avoid evil", "do nothing that is forbidden", "obey God", "live correspondingly to reason".²⁰ Every person knows these principles from the beginning, and accesses them whenever needed. Due to its nature, synderesis is infallible, and it only shows that one must seek good and avoid evil.²¹

¹⁴ ÁBEL (n. 1) 339–350.

¹⁵ Nicolaus uses the word *speculativo*.

¹⁶ HOFFMANN, T.: Conscience and Synderesis. In DAVIES, B. – STUMP, E. (eds.): *The Oxford Handbook of Aquinas*. Oxford 2012, 255–264, see 256.

¹⁷ Aquinas, *Quaest. de veritate* q.16, a.2, co. All the works of Thomas Aquinas are available here: <http://www.corpusthomicum.org/iopera.html>.

¹⁸ Aquinas, *Super Sent.* II d.24, q.2, a.3, co.; *Quaest. de veritate* q.16, a.1, ad 9.

¹⁹ Cited by HOFFMANN (n. 16) 263, note 9.

²⁰ Aquinas, *Super Sent.* II d.24, q.2, a.3, co. and d.39, q.3, a.2, co.; *Quaest. de veritate* q.16, a.1, ad 9.

²¹ POTTS, T. C.: Conscience. In KRETZMANN, N. – KENNY, A. – PINBORG, J. (eds.): *The Cambridge History of Later Medieval Philosophy*. Cambridge 1982, 687–704, see 701; HOFFMANN (n. 16) 256–257.

Synderesis is, therefore, a natural disposition of the human reason; it is infallible, and it exists in order to make the most elementary principles of moral action accessible to us.

Conscience applies these elementary principles of *synderesis* in the particular moral situations. However, conscience also needs further, secondary principles, which one can become in possession of by exercising and learning the virtue of wisdom. Therefore, conscience applies the principles of *synderesis* and the secondary principles learned by the practice of wisdom, which means that conscience is the application of our moral knowledge in a given situation.²² The structure of making a moral decision is described by a syllogism: its major premise is the infallible word of *synderesis*, its minor premise is the practical reason, while the conclusion is the decision of the conscience. If the practical reason is in accordance with the divine wisdom, it can be regarded as *ratio superior*; if, however, it is characterised by earthly prudence, then it is only *ratio inferior*,²³ as seen at Nicolaus. The key to a morally right decision is that *ratio* should provide a correct minor premise to the syllogism.²⁴

Based on the above, we see that the opinions of Nicolaus and Thomas correspond to each other. Still, let's have a look at what happens when the conscience makes an erroneous decision. We have seen at Nicolaus that one must always obey the decision of conscience, even if it is erroneous or over-scrupulous. Thomas Aquinas represents a seemingly paradox standpoint regarding obedience to conscience. He argues that I should never act against my conscience, stating, at the same time, that I do not always have to obey it.²⁵ How to resolve this contradiction? According to Aquinas, it is negligence not to realise that a decision of my conscience and moral laws conflict. This lapse of conscience, that is, could have been avoided if more attention was paid to my moral development. However, the possibility to abandon this negligence and to raise doubts against the decision of my conscience is given to me in every moment. And if there are doubts as for the erroneous decision — making it a doubtful decision —, then I am in the position of being able to revise (*deponere*) the decision of my conscience.²⁶ Similarly, I can also improve my conscience by

²² Aquinas, *ST I–II* q.19, a.5, s.c. and co.; *Quaest. de veritate* q.17, a.2, co.

²³ Aquinas, *Quaest. de veritate* q.15, a.2.

²⁴ HOFFMANN (n. 16) 257–258. E.g. in Aquinas, *ST I–II* q.19; *Quaest. de veritate* q.17, a.2, co.

²⁵ HOFFMANN (n. 16) 261.

²⁶ Aquinas, *Super Sent.* II d.39, q.3, a.3, ad 5; *Quodl.* III q.12, a.2, ad 2; *ST I–II* q.19, a.6, ad 3.

means of moral development in the practice of the virtues.²⁷ Thomas, therefore, states, that one must not obey the decision of the erroneous conscience, but it must rather be revised, and the decision of the revised conscience must be accomplished, in which way it will become true that neither have I acted against it, nor have I obeyed it, as I have revised its decision when it was erroneous.

So we can see that Nicolaus highly relies on the teachings of Aquinas in the matter of conscience, but he diverts from them in an important point, as he, on the contrary to Aquinas, states that one must always obey the voice of conscience.

II.

Second, we seek for an answer to the question *whether or not Nicolaus' standpoint is intellectualist, and whether, in this regard, he is a follower of Aquinas.*

Aquinas strongly emphasizes the dependence of will on reason. In *Summa Theologiae* he writes:

The root of freedom is the will as its subject, but reason as its cause. The will is, in fact, free with regard to alternatives, because reason can have different conceptions of the good. Accordingly, the philosophers defined free decision (*liberum arbitrium*) as free judgment owing to reason (*liberum de ratione iudicium*), implying that reason is the cause of freedom.²⁸

For Aquinas, will is a moved mover, a passive potency, which is actualised by the object which the reason presents to it. The specific object of will is the good that it perceives to be suitable and adequate. This is why one can long for a given object as good, regardless whether or not it is in fact good, merely because reason has presented it to him as an object appearing to be good (*sub ratione boni*).²⁹ Resulting from this, will is unable to long for or decide upon anything else other than what reason has presented to it as the best and the most suitable.³⁰ Therefore, will is able to act freely, inasmuch reason is able

²⁷ HOFFMANN (n. 16) 261.

²⁸ Aquinas, *ST I–II* q.17, a.1, ad 2: “Ad secundum dicendum quod radix libertatis est voluntas sicut subiectum, sed sicut causa, est ratio. Ex hoc enim voluntas libere potest ad diversa ferri, quia ratio potest habere diversas conceptiones boni. Et ideo philosophi definiunt liberum arbitrium quod est liberum de ratione iudicium, quasi ratio sit causa libertatis.” Quoted and translated by HOFFMANN, T.: Intellectualism and Voluntarism. In PASNAU, R. (ed.): *The Cambridge History of Medieval Philosophy. I*. Cambridge 2010, 414–427, see 415.

²⁹ Aquinas, *ST I–II* q.8, a.1; q.9, a.12; *Quaest. de malo* q.6, ad 6.

³⁰ Aquinas, *ST I–II* q.77, a.1, co. and *III* q.18, a.4, ad 2.

to make judgements freely. If will acts erroneously, the error must lie within knowledge or judgement.

Based on the above, we should consider Thomas intellectualist, and he is usually classified this way.

As opposed to him, John Duns Scotus is a typical representative of the voluntarist view, who focuses on will instead of reason in his system of thought. In his opinion, will is different from anything else in this world. That is, it is only will that is able to drive itself towards opposite acts: it can will or not will something.³¹ Will is primarily characterised by its ability to control itself, contrary to reason, which is unable to have control over itself. That is, reason lacks the power to understand or not to understand. Moreover, according to Duns Scotus, if, following Aristotle, we consider rational that which has the power to cause opposite effects, and consider irrational that which is determined to cause a specific effect³², then will must be considered a rational power, as it has the freedom to decide in alternative ways, and so we must consider reason irrational.³³ Undoubtedly, Duns Scotus' standpoint is a voluntarist one.

Back to Aquinas; he says more than what is usually attributed to him, and what we have set forth above. He writes that the free judgement of the reason and the free inclination of the will are mutually dependent on each other: reason moves will and will moves reason, even though not in the same respect. Reason determines and specifies the act of the will (e.g. that it should long for learning, or should choose walking). However, reason does not necessarily move will – apart from one case, when it presents a thing to the reason as something good and suitable in every aspect, like happiness. Similarly, will also moves reason so that it can exert its own acts (that is, for instance, that it thinks or not, or that lingers over a notion or not). Moreover, not only does will initiate thinking, but it also controls and governs the whole process of thinking. Whether will makes a definitive or provisional judgement is also dependent on will, as will may insist on the judgement of reason, but it may also urge reason to revise the judgement.³⁴

What we see here is that Aquinas distinguishes the act of reason and that of the will with regards to free decision, however, he does not make a harsh differentiation. The contribution of reason is necessary for every act of the will,

³¹ Ioh. Duns Scotus, *Lect.* II, 25.92 and 93.

³² Arist. *Metaph.* IX,2 (1046b).

³³ HOFFMANN (n. 28) 424; Ioh. Duns Scotus, *In Metaph.* IX, 15.21–22 and 35–41.

³⁴ Cf.: Aquinas, *Quaest. de malo* q.6, ad 15.

while the process of the use of reason is controlled and governed by will. The acts of reason and will permeate each other, and it is ultimately man himself, the person, that moves himself by means of his reason and will.³⁵ As, in this respect, the acts of the reason and will are mingled, Thomas Aquinas' thought cannot simply be categorised as intellectualist³⁶, even though it is close to it.

We can state about Nicolaus' intellectualism that, in his work *Disputatio*, he represents, as far as I can see, an intellectualist standpoint. In his tractate on conscience he places a strong emphasis on reason, as it is responsible for the acts morally assessable, however, he does not go into details about the role of the will: he only says that we have to put it away.³⁷ We must, on the basis of this, assume that he takes an intellectualist standpoint.

Finally, we can state that Nicolaus ex Mirabilibus is significantly a follower of the teachings of Thomas Aquinas in his work on conscience, however, at one point – in the question of obedience to the erroneous conscience – he diverts from him. Besides that, Nicolaus can be considered intellectualist – based on his two works written in Florence –, on the contrary to Aquinas, who, being undoubtedly close to the thought of the intellectualists, cannot simply be classified as intellectualist.

³⁵ E.g.: *ST* I q.82, a.4, ad 1 and I–II q.17, a.1, co. and I–II q.17, a.5, ad 2.

³⁶ HOFFMANN (n. 28) 415–417.

³⁷ ÁBEL (n. 1) 312: „Leva via la propria volonta.”